

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ACKERMAN MCQUEEN, INC., <i>et al.</i> ,)	
)	
Movants,)	
)	
vs.)	NO. MC-20-0001-HE
)	
NATIONAL RIFLE ASSOCIATION)	
OF AMERICA, <i>et al.</i> ,)	
)	
Respondents.)	

ORDER

The National Rifle Association of America (the “NRA”) sued Ackerman McQueen, Inc. and others in the United States District Court for the Northern District of Texas. After the NRA served subpoenas on a number of entities in the Western District of Oklahoma, plaintiffs filed a motion to quash the subpoenas pursuant to Fed.R.Civ.P. 45(d)(3), or, in the alternative, to transfer the motion to the Northern District of Texas. Plaintiffs claim the subpoenas are overbroad, seek irrelevant and confidential information, and subject recipients to undue burden. In part, the motion asserts a pattern of allegedly unreasonable discovery conduct involving multiple cases and multiple courts but arising out of the same underlying dispute. None of the subpoena recipients have filed an objection based on undue burden or otherwise.

If exceptional circumstances exist, Rule 45(f) allows the court in the district where compliance with a subpoena is required to transfer a subpoena-related motion to the issuing court. Transfer may be warranted “in order to avoid disrupting the issuing court’s management of the underlying litigation, as when that court has already ruled on issues

presented by the motion or the same issues are likely to arise in discovery in many districts.” Fed.R.Civ.P. 45 advisory committee’s note.

The NRA’s response to the motion notes that the Northern District of Texas has the greatest familiarity with the underlying case and is presently considering a motion to dismiss and two motions to compel. It agrees that transfer of the present motion is appropriate under the exceptional circumstances present here. In the absence of objection to compliance from the subpoena recipients, and as the remaining issues appear to be tied closely to relevance or other related issues in the case, the court concludes there are exceptional circumstances here within the meaning of Rule 45.

Accordingly, the Motion to Quash [Doc. # 1] is **TRANSFERRED** to the United States District for the Northern District of Texas, Dallas Division.

IT IS SO ORDERED.

Dated this 25th day of February, 2020.



JOE HEATON
UNITED STATES DISTRICT JUDGE